IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:	Examiner: Kaitlin S. Joerger
Hiroshi NISHIKAWA et al.	Group Art Unit: 3653
Serial No. 10/623,734	Confirmation No.: 6065
Filing Date: July 22, 2003	
For: APPARATUS FOR TRANSPORTING A SHEET INTO A READING POSITION	

REQUEST FOR RECONSIDERATION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are presented in response the Office Action dated February 11, 2008. Applicants respectfully request withdrawal of the current rejections and allowance of pending claims 1-7 in light of these remarks.

Claims 1, 6, and 7 stand rejected under 35 USC 102(b) as anticipated by Yamada, JP 09-221248. Applicants respectfully traverse this rejection.

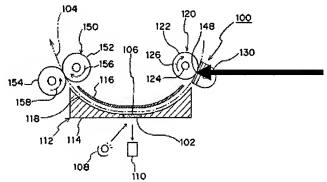
The claimed subject matter is directed to apparatuses for transporting sheets into a fixed image reading position, wherein each of the apparatuses includes a number of features arranged in combination. Yamada fails to disclose an apparatus having all of the claimed features in combination.

Claim 1, for instance, recites an apparatus including a pad having a flexible lower layer and a rigid upper layer, wherein the pad is "biased to [a] drive roller so that only the upper layer contacts a peripheral surface of the drive roller to form a nipping region between the drive roller

and the pad by compressive deformation of the flexible lower layer of the pad." Yamada fails to disclose a combination having this feature.

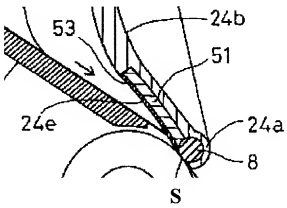
An example of the above feature is shown in FIG. 1 of Applicants' specification, reproduced below with a large arrow indicating a contact point between a pad and a drive roller. In the illustrated example, only an upper layer 140 of pad 130 contacts drive roller 122, as indicated by the large arrow, and a nipping region is formed between drive roller 122 and pad 130 by compressive deformation of a flexible lower layer 138 of pad 130.

Fig. 1



The Examiner compares the claimed apparatus with a paper transport device shown in FIG. 3 of Yamada, an enlarged portion of which is reproduced below. In making this comparison, the Examiner equates the claimed upper and lower layers of the pad with Yamada's film member 53 and elastic member 51, respectively. This comparison is improper for reasons presented below.

FIG. 3



First, as shown in FIG. 3, Yamada's feed roller 10 is in contact with Yamada's pressure roller 8. Accordingly, Yamada's film member 53 does not satisfy the claim requirement that "only the upper layer contacts a peripheral surface of the drive roller". In other words, unlike the claimed upper layer, Yamada's film member 53 is not the only part of a pad which comes in contact with a corresponding drive roller.

Second, and also shown in FIG. 3, Yamada's contact position S is formed between pressure roller 8 and feed roller 10. Accordingly, Yamada's elastic member 51 does not satisfy the claim requirement of "a nipping region between the drive roller and the pad [formed] by compressive deformation of the flexible lower layer of the pad." In other words, because Yamada's contact position S resides at a direct interface between pressure roller 8 and feed roller 10, Yamada's elastic member 51 does not compress to form the nipping region.

Yamada's written description confirms what is shown in FIG. 3. For instance, paragraph [0029] of Yamada confirms that paper fed through the apparatus of FIG. 3 comes in contact with contact region S: "[a]lso, the sheet fed out by the sheet supply roller 6 is guided by the first sheet guide 24 into contact with the contact region S..." (translated into English). Thus, paragraph [0029] confirms that Yamada's film member 53 and elastic member 51 are distinct from the claimed upper and lower layers as discussed above.

In view of above distinctions between Yamada's film member 53 and elastic member 51 and the claimed upper and lower layers, Yamada fails to disclose an apparatus having the combination of features recited in claim 1. Accordingly, the rejection of claim 1 should be withdrawn.

Claim 7 was rejected based on similar comparisons between Yamada's film member 53 and elastic member 51 and claimed upper and lower layers. Accordingly, the rejection of claim 7 should be withdrawn for reasons similar to those detailed above in relation to claim 1.

Claim 6 depends from claim 1 and is therefore patentable over Yamada based at least on this dependence.

Claim 2 stands rejected under 35 USC 103(a) an unpatentable over JP 09-221248. Applicants respectfully traverse this rejection.

Claim 2 depends from claim 1 and is therefore patentable based at least on this dependence.

Claims 3-5 stand rejected under 35 USC 103(a) based on JP 09-221248 in view of Nakamura. Applicants respectfully traverse this rejection.

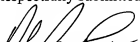
Claims 3-5 depend, directly or indirectly, from claim 1 and are therefore patentable

In light of the above, Applicants respectfully request early allowance of the pending claims.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing Docket No. **204552029100**.

Respectfully submitted,

Dated: July 11, 2008

By: 

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